

DOCKET FILE COPY ORIGINAL

RECEIVED

JUL - 6 1998

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Performance Measurements and )  
Reporting Requirements )  
for Operation Support Systems, )  
Interconnection, and Operator Services )  
and Directory Assistance )

CC Docket No. 98-  
RM-9101

ORIGINAL

To: The Commission - Mail Stop 1170

**REPLY COMMENTS OF CONECTIV COMMUNICATIONS, INC.**

1. Conectiv Communications, Inc. ("CCI") hereby submits its reply comments in the above-captioned proceeding. CCI is a competitive local exchange carrier ("CLEC") serving subscribers in the states of Delaware, Pennsylvania, New Jersey, and Maryland. CCI is a facilities-based CLEC that utilizes unbundled network elements and also resells services provided by subsidiaries of Bell Atlantic ("BA") in the states CCI serves. CCI filed initial comments on June 1, 1998, to inform the Commission about inadequacies in the access it receives to BA's Operational Support Systems ("OSS") and to urge the Commission to exercise jurisdiction over these problems.

2. CCI has reviewed BA's initial comments in this proceeding and would like to respond in several respects where it believes that concepts advocated by BA are flawed, if not disingenuous. First, CCI disagrees with BA's positions that its performance should be reported only state by state and that its performance in one state is not relevant to an evaluation of its performance in another state. As CCI pointed out in its initial comments, the degree of aggregation in BA's reports has the potential for masking problems. Reports must be evaluated

No. of Copies rec'd 049  
List A B C D E

on both a state-by-state and a regionwide basis to achieve a true assessment of BA's performance.

3. BA is one company and is subject as one company to the terms and conditions of the Telecommunications Act of 1996 and the Commission's approval of its merger with NYNEX. Having elected to merge, BA must bear the burdens that accompany the benefits of its size and must perform adequately everywhere if it wants to be rewarded anywhere. Otherwise, BA will perform best where it has the most to gain from the reward. For example, it will do its best in New York City, where interLATA authority would likely be the most lucrative, and leave other areas (including Conectiv's most active state, Delaware) to take second place until BA alone decides that the reward there is worth working for.

4. BA prefers as much uniformity as possible in its interconnection contracts and its reporting obligations, for the obvious reason that uniformity minimizes administrative problems in a large company that operates in several states and has hundreds of interconnection contracts. Its performance should be equally uniform, subject only to technical limitations, wherever it operates.

5. The Commission should also not be lulled into thinking that intercarrier negotiation and arbitration are meaningful ways for CLECs to meet their operational needs and to accomplish their business objectives. Negotiations with any ILEC, let alone one as large and powerful as BA, are a very one-sided process, where CLECs ask for what they want and get little beyond what the ILEC is willing to offer for the asking. The reason is simple and obvious: the ILEC has something the CLEC needs -- interconnection -- while the CLEC has little, if anything the ILEC needs. The only exception is that CLECs can dangle before an RBOC the

hope of winning Section 271 interLATA authority. CCI, along with other CLECs, fears that as soon as that carrot has been given, that will be the end of any bargaining in the sense of true negotiation where each party can offer something the other needs or wants.

6. Finally, the Commission should not be taken aback by the large number of measurements -- in the tens of thousands -- that BA says it will have to report under the proposals in this proceeding. The important question is how much time and money will have to be spent gathering information, not the number of pieces of information reported, because one gathering activity could result in dozens of pieces of output.

7. CCI is actively building a CLEC business and serves a substantial majority of the CLEC customers in Delaware, including some 95% of CLEC customer unbundled local loops. There is no doubt, based on CCI's experience, that BA has not approached the carrier-to-carrier relationship with the business-like, cooperative attitude that it would like the Commission to think it has. It has thrown up obstacles wherever it wants to and thinks it has a colorable legal argument, including unreasonable requirements for physical collocation, significant OSS problems which are just now beginning to be resolved, refusal to provide a network element it thinks it can justify not providing, and so on. CCI clearly does not have the parity of service with BA's own customers to which it is entitled. Among other things, service is slower, and CCI's administrative personnel still do not have access to the same customer information via OSS that BA's personnel do.

8. The only way that the Commission can get a handle on what is actually happening, to make fair evaluation of BA's many requests for regulatory relief, is to have enough information, presented in a meaningful fashion, and properly aggregated and disaggregated. BA

is looking for big rewards. It should be required to make a big proof of its performance before it gets them.

Peter F. Clark, General Counsel  
Joanne M. Scanlon, Counsel  
John Citrolo, Manager of External  
Affairs/Senior Financial Analyst,  
Conectiv Resource Partners  
Conectiv Communications, Inc.  
P.O. Box 231  
Wilmington, DE 19899-0231  
Tel. 302-429-3144  
Fax. 302-429-3801

July 6, 1998

Respectfully submitted,



Peter Tannenwald  
Elizabeth Sims Houlton

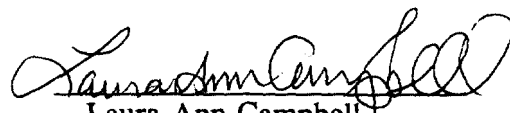
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Ave., N.W., Suite 200  
Washington, DC 20036-3101  
Tel. 202-728-0400  
Fax 202-728-0354

Counsel for Conectiv  
Communications, Inc.

#### **CERTIFICATE OF SERVICE**

I, Laura Ann Campbell, do hereby certify that I have, this 6th day of July, 1998, caused to be sent by first class United States mail, postage prepaid, copies of the foregoing "Reply Comments of Conectiv Communications, Inc." to the following:

Leslie A. Vial, Esq.  
Bell Atlantic  
1320 North Court House Rd.  
8th Floor  
Arlington, VA 22201

  
Laura Ann Campbell